

REMARKS

Claim Rejections

Claims 10 and 19 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-2, 4-6, 8-9, 11-13, 15-18 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ado (6,216,201). Claims 3 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ado et al. in view of Tran et al. (6,198,705). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ado et al. in view of Packer (6,058,453). Claims 10 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ado et al. in view of Tran et al.

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

Claim Amendments

By this Amendment, Applicant has amended claims 1, 6, 10, and 11 of this application. Claim 12 has been canceled. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the prior art.

Applicant's amended claims are directed towards a method for reading coded audio files and buffering the audio data to a buffer memory in which the timing of the corresponding audio data buffered to the buffer memory lags behind the timing of the subcode buffered to the buffer memory by at least one block. Claim 11 is further directed towards a method for reading coded audio files and buffering the audio data to a buffer memory in which the address control unit decides the timing of the decoded subcodes should be buffered to the buffer memory, according to the timing of the main data decoding procedure being triggered, in order that the subcode and corresponding

audio data belonging to the same block before decoding are buffered to the same buffer unit after being respectively decoded.

Applicant teaches in the "BACKGROUND OF THE INVENTION" associated with FIGS. 1 and 2 of this application, the block 20 comprises a sync pattern 22, a subcode block 24 and a main data block 26, with the sync pattern 22 being used to detect the starting point of the block 20. The time for decoding the subcode block 24 is different from that for decoding the main data block 26. Therefore, the main data block 26 buffered in the buffer memory lags behind the subcode block 24. If the lags of each buffering are different, such lags may cause data loss or data overlap in the buffer memory, resulting in pop noise when the user listens to the music in the CD. In other words, even though the sync pattern 22 can be used to detect the starting point of the block 20, ***the main data block 26 buffered in the buffer memory will always lag behind the subcode block 24.*** For example, referring to FIG. 3 of this application, there is no header in the main data block of an audio data file, and only the sync patterns of the subcode block indicate the starting point of a block. Because the main data buffer controller 110 has to wait for the decoding procedure for the sync patterns, there will be one block between where the main data buffer controller 110 receives the matching flag and where the main data buffer controller 110 triggers the main data decoding procedure.

Referring to FIG. 3 of this application, the subcode buffer unit 108 buffers the decoded subcode of the block 32c to the subcode unit 116c in the buffer unit 114 at time T2. The main data buffer controller 110 also starts from the block 32c to sequentially buffer the decoded main data to the main data unit 118c in the buffer unit 114. Because starting the main data decoding procedure needs a period for about 110 frames, the timing to buffer the main data unit 118c lags behind the time T2 for 110 frames. In other words, the timing when the main data buffered to the buffer memory always lags behind the timing when the corresponding subcode buffered to the buffer memory by at least one block. Although there is a lag, the subcode and the main data buffered in the same buffer unit 114 are both from the block 32c.

In contrast, Ado et al. teaches in describing FIG. 6 (col. 8, lines 47-50 and col. 9, lines 14-23), that ***the timing when the main data buffered to the buffer memory is always the same as the timing when the corresponding subcode buffered to the buffer memory.*** Accordingly, Ado differs substantially from Applicant's teachings.

In addition, Applicant teaches in step (c), as claimed in claim 1, according to the timing when said main data decoding procedure is triggered, deciding the timing when said decoded subcodes should be buffered to said buffer memory, in order that said subcodes and corresponding audio data which belong to the same block before decoding can be buffered to the same buffer unit after respectively decoded. In other words, the method of the present invention first designates a starting block where buffering starts, and decides the timing when the decoded subcodes should be buffered to the buffer memory according to the timing when the main data decoding procedure is triggered. Therefore, the subcode and corresponding audio data, both of which belong to the same block before being decoded, are buffered to the same buffer unit after respectively being decoded.

In contrast, Ado et al. teaches in col. 9, lines 14-23 (describing FIG. 6) that when the decoding process of the second block ("Trn1") is performed, the CD-DA processing unit 35 stores the main data of the second block output from the CD decoding unit 13 in the main data field of the particular page of the buffer memory 17, and stores the error detection bytes (EDB) of the second block in the EDB field of the particular page of the buffer memory 17. At the same time, the subcode processing unit 37 stores the subcodes of the second block in the subcode field of the particular page of the buffer memory 17. It should be noted that even though the sync pattern can be used to detect the starting point of the block, ***the main data buffered in the buffer memory will always lag behind the subcode by at least one block.*** Applicant believes that Ado fails to teach how the subcode and corresponding main data, both of which belong to the same block before being decoded, can be buffered to the same buffer unit after being decoded at the same time.

Ado et al. do not teach a method for reading coded audio files and buffering the audio data to a buffer memory in which the timing of the corresponding audio data

buffered to the buffer memory lags behind the timing of the subcode buffered to the buffer memory by at least one block. Ado et al. also fails to teach a method for reading coded audio files and buffering the audio data to a buffer memory in which the address control unit decides the timing of the decoded subcodes should be buffered to the buffer memory, according to the timing of the main data decoding procedure being triggered, in order that the subcode and corresponding audio data belonging to the same block before decoding are buffered to the same buffer unit after being respectively decoded.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Ado et al. do not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Ado et al. cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

Tran is cited by the Examiner as teaching a physical target and a virtual target spaced apart at least one block distance away from the desired data which is buffered in memory. However, Tran utilizes MSF to search for desired sector on a CD-ROM, and is substantially different from that of Applicant's recited invention.

In any event, Tran does not teach: a method for reading coded audio files and buffering the audio data to a buffer memory in which the timing of the corresponding audio data buffered to the buffer memory lags behind the timing of the subcode buffered to the buffer memory by at least one block; or a method for reading coded audio files and buffering the audio data to a buffer memory in which the address control unit decides the timing of the decoded subcodes should be buffered to the buffer memory, according to the timing of the main data decoding procedure being triggered, in order that the subcode and corresponding audio data belonging to the same block before decoding are buffered to the same buffer unit after being respectively decoded.

Packer is cited by the Examiner as teaching a DRAM buffer memory. However, Packer does not teach: a method for reading coded audio files and buffering the audio

data to a buffer memory in which the timing of the corresponding audio data buffered to the buffer memory lags behind the timing of the subcode buffered to the buffer memory by at least one block; or a method for reading coded audio files and buffering the audio data to a buffer memory in which the address control unit decides the timing of the decoded subcodes should be buffered to the buffer memory, according to the timing of the main data decoding procedure being triggered, in order that the subcode and corresponding audio data belonging to the same block before decoding are buffered to the same buffer unit after being respectively decoded.

Even if the teachings of Ado et al., Tran et al, and Packer were combined, as suggested by the Examiner, the resultant combination does not suggest: a method for reading coded audio files and buffering the audio data to a buffer memory in which the timing of the corresponding audio data buffered to the buffer memory lags behind the timing of the subcode buffered to the buffer memory by at least one block. The resultant combination also does not teach: a method for reading coded audio files and buffering the audio data to a buffer memory in which the address control unit decides the timing of the decoded subcodes should be buffered to the buffer memory, according to the timing of the main data decoding procedure being triggered, in order that the subcode and corresponding audio data belonging to the same block before decoding are buffered to the same buffer unit after being respectively decoded.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this

prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

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Applicant submits that there is not the slightest suggestion in Ado et al., Tran et al., or Packer that their respective teachings may be modified as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Ado et al., Tran et al., nor Packer disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By: _____


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